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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 000727

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DEPT FOR EUR/SCE, EUR/ACE AND INL, NSC FOR BRAUN, USUN FOR
DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER, DEPT FOR S/WCI

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SUBJECT: KOSOVO: EU RULE OF LAW PLANNING PROGRESSING, BUT
MISSION SCOPE STILL IN FLUX

Classified By: COM TINA S. KAIDANOW FOR REASONS 1.4 (B) AND (D)

11. (C) SUMMARY: Casper Klynge, head of the EU Planning Team (EUPT), told us recently he is grappling with mixed messages from Brussels and EU capitals on his follow-on rule of law mission's size and scope. Brussels favors a limited footprint, while capitals increasingly argue for a more operational approach to combating organized crime and the potential flashpoint of the Serb north (but, significantly, without promising more resources to support such an enhanced role). That unhelpful context aside, Klynge said that that the EU Rule of Law mission will focus on building the capacity of judges and prosecutors; that the transition team has found the Kosovo Police Service School (KPSS) to be in relatively good shape but that another school may be needed to train customs officials and other law enforcement agents; that a civilian force for border security, based on the German model of specialized police, is the model the EU will likely pursue; and that EU operational control will be retained in key areas, such as war crimes, ethnically motivated crimes and organized crime. Klynge expressed his strong desire to work closely with us and acknowledged that the EU Rule of Law mission scope should be defined as quickly as possible to avoid retaking any UNMIK competencies currently being transferred to the PISG. END SUMMARY.

EUPT's Scope and Mission in the EU/Kosovo Political Context

12. (C) In recent conversations with USOP, Casper Klynge, head of the EU Planning Team (EUPT), expressed enthusiasm for working with us and said his team was already up to its planned strength of 25. He expected the eventual EU Rule of Law mission to range from 500-1,000 people, including police and administrative staff. A key challenge he noted was determining the EU Rule of Law mission's scope and focus. Brussels favored a limited presence, he said, with limited executive powers, while EU capitals increasingly wanted a more "robust" footprint with a strong operational element to get tough on organized crime and the potential flashpoint of northern Kosovo. Klynge (protect) emphasized the difficulty he and his EU liaison office colleague faced in dealing with these demands -- especially given the lack of personnel and resources being offered by EU capitals to establish and

maintain such a robust mission. (He noted the same in a joint meeting with UN Special Envoy Ahtisaari, EU liaison office head in Kosovo Torbjorn Sohlstrom, and COM during Ahtisaari's visit to Pristina the week of August 24.) A related problem Klynge mentioned was the ongoing transfer of UNMIK competencies to the PISG; he noted that the EU might wish to retake some in which the Kosovars fall short of EU standards. He acknowledged this was not an ideal way to proceed.

Specific Areas of Activity

13. (C) Klynge indicated that EU planners had found some Rule of Law sectors in better shape than others, and that, as a consequence, the degree of EU monitoring/mentoring/oversight would vary by sector. Police, he said, were less of a problem than the judicial and prosecutorial side. He judged the Kosovo Police Service School (KPSS) to be sound, but added that another school to train customs officials and others with law enforcement-related duties would make sense. He noted the Ministry of Interior wants the KPSS to fall under its control, but this could be problematic since the school would train other organizations that fall under the Ministry of Justice. While not getting overly involved in the debate over the school, the EUPT wants to study the effectiveness of KPSS training, present its findings and make corrections in curricula, if necessary. Klynge thought that the initial training program might be too short and follow-up courses might be necessary.

14. (C) The judiciary, Klynge noted, needed considerably more work. The EU would focus attention heavily on the judicial sector, with the overriding goal to build the capacity of

PRISTINA 00000727 002 OF 002

Kosovar judges and prosecutors. The end result, he argued, should be to move from a 2 1 (2 internationals for every local judicial actor) to 1 2 format.

15. (C) On border issues, Klynge said he would like to see a stronger presence in the north and that he favored a civilian force, with the KPS in charge. He dismissed the possibility of paramilitary border guards and said what emerges will likely be based on the German model of specialized police because it meshes well with the European Integrated Border Security Initiative. The EC would furnish equipment for policing the border, while EU member states would contribute human resources. He envisions close cooperation between customs and border police and the creation of a customs compliance unit that allows EU monitors to intervene and correct problems. Klynge was enthusiastic about the upcoming visit of a USG Export Control and Related Border Security (EXBS) program assessment team to Kosovo.

16. (C) Klynge assured us that the EU follow-on mission will be very engaged in war crimes issues. He said that the police commissioner position will in all likelihood be transferred to the Kosovo Police Service, but that an EU "shadow police commissioner" would be able to intervene and overturn decisions when necessary. There will be a special "executive policy unit" for sensitive areas, including war crimes, ethnically-motivated crimes and organized crime. (Note: S/WCI Ambassador Clint Williamson will visit Kosovo September 16 and will discuss war crimes issues in detail with Klynge. End Note.) When asked specifically about Belgrade's influence, he said he was not permitted to engage on these issues now, but would seek to integrate the parallel structures into Kosovo institutions as quickly as possible after the settlement.

17. (C) COMMENT: EUPT head Klynge has a tough job ahead of him reconciling the mixed signals from Brussels and EU capitals on the size and scope of his mission -- and having to do so as UNMIK competencies continue to be transferred to the PISG. We have advised him that it will be difficult to

retake these competencies, so the EUPT needs to get its house in order now. We will continue to work closely with the EUPT to assist them in defining their follow-on rule of law mission, and will look for ways to fill any gaps. END COMMENT.

18. (U) US Office Pristina does not/not approve release of this cable to Special Envoy for Kosovo Martti Ahtisaari.
KAIDANOW